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The Rules Committee heard from the ranking Republican on the Science Committee [Mr. WINN], asking that we at least allow for a separate vote on some of these objectionable provisions. An attempt to provide that vote under the rule failed on a 4 to 6 division vote in the Rules Committee. I think it should be clear that what was being asked was not something special under our normal rules of procedure. Had this rule not precluded an intervening motion, it would have been in order to offer a preferential motion to agree to the Senate amendments with an amendment.

I think the Rules Committee made a mistake in not protecting that usual motion in this rule. The House should not be put in a position of having to accept whole an entire substitute of the other body that may include new matters not previously considered when the bill was originally before the House.

While I do not intend to fight the previous question on this rule and attempt to amend it, I do want to register my protest against this procedure that denies the House its usual prerogative of getting a separate vote on new provisions sent to us by the other body. I appreciate, though, that the hour is late in this 98th Congress, and the managers of this legislation do not want to further delay final action on this bill that might jeopardize its chances of being enacted. I simply want to caution my colleagues who chair committees that this member of the Rules Committee, and I know at least three others, feel strongly the rights of this House should be protected in situations like this in the future. Under more normal circumstances in the next session, I hope we will not grant this kind of rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 905, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1983

Mr. BROOKS. Mr. Speaker, I call up the conference report on the Senate bill (S. 905) to establish the National Archives and Records Administration as an independent agency.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 1, 1984, at page H10586.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. Brooks]

will be recognized for 30 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROOKS asked and was given permission to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, the conferees have met and agreed on a conference report on S. 905, establishing the National Archives and Records Administration as an independent agency. There were numerous differences between the House and Senate versions of this bill, but both have the essential purpose of separating the Archives from the General Services Administration and restoring it to the status that it held from its founding in 1934 until it was incorporated into GSA in 1949.

Under the conference report, the authorities exercised by the current National Archives, along with its personnel and assets, will be transferred to the new administration. Functions to be transferred will include basic archival activities, the storage and servicing of noncurrent agency records, operation of Presidential libraries, publication of certain official documents, and operation of the National Historical Publications and Records Commission.

The conference report adopts the House provision calling for the Archivist to be appointed by the President, by and with the advice and consent of the Senate. The Archivist may be removed by the President, but if the President does so, he must communicate the reasons for such action to the Congress. The conference report also adopts the House provision dividing records management responsibilities between the National Archives and GSA's Office of Information Resources Management.

Title II of the House bill reinforced the authority of the Archivist to carry out his functions. These provisions were modified in several respects, and one important one, which gave the Archivist final authority to determine what documents were "records" and permitted him access to agency materials to make such determinations, was deleted. Mr. Speaker, I am disappointed that the conferees were unable to include these House provisions in the final conference report. The Government Operations Committee intends to maintain vigorous oversight of Archives operations and agency cooperation with the Archives in order to ensure that the new agency is able to carry out its mandated responsibilities as effectively as possible.

In sum, the conference report on S. 905 is a valuable step toward improving the operations of the National Archives, and ensuring that our children and their children will possess and be able to use the documentary heritage of our Nation.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, I rise in strong support of the conference report on S. 905, the National Archives and Records Administration Act of 1984.

This bill would rectify a mistake of 35 years' standing. By separating the National Archives from the General Services Administration, and reestablishing it as an independent agency, S. 905 would greatly strengthen the ability of the Federal Government to protect, preserve, and make available to its citizens the records which document its history.

I am pleased to note that the administration has stated that it, too, supports the establishment of the National Archives as an independent Federal Agency.

In my 22 years of service on the Government Operations Committee, we have always tried to make sure that agencies are organized in ways which will be not conducive to the performance of their functions. Back when the Congress placed the National Archives in GSA, it violated that fundamental principle of organization. The "shotgun marriage" of house-keeping functions with a cultural activity has never worked, and the wonder to me in retrospect is why we have taken so long to recognize it.

Throughout the years, the highly dedicated and professional staff of the National Archives has been able to overcome the misdirected efforts of GSA Administrators and keep the agency on course. But this is hardly the way that organizations should be designed to operate. The Archives would obviously function much better if its own professional leadership were free to set policy which is consistent with the agency's mission. Enactment of S. 905 will unshackle the Archives and, in that way, assist it in carrying out its mission.

I call particular attention to the statement of managers accompanying the conference report. There were a number of differences between the House and Senate-passed versions of this legislation, particularly with respect to various authorities of the Archivist. The statement of managers contains excellent descriptions of current law, the respective provisions of the House and Senate bills, and the resolution of the differences.

Mr. Speaker, I urge all Members to give this bill their support.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, I must once again express my concern and my opposition to this legislation which would separate the National Archives and Records Service from the General Services Ad-

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ministration and establish it as an independent establishment in the executive branch.

One more independent agency.

When this legislation was on the House floor just prior to the August recess, I expressed my belief that it was neither wise nor necessary to grant independent status to the National Archives. I also expressed the fear that independence could exacerbate rather than solve the problems that are faced by the National Archives in the fulfillment of its mission.

I still hold to those beliefs, and I hope that they can be proven incorrect. However, all signs at the present time indicate that those problems are not ready for resolution, and we should be taking other steps to improve the situation at the National Archives.

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If anything, my concerns are heightened by the resolution of the difference between the House and Senate versions of this legislation. The conference agreement does not contain section 204 of the House-passed bill which would have clarified the authority of the Archivist to determine whether a record is an agency, as opposed to a personal record, for purposes of the records management and records disposal laws. Adoption of this language would have gone a long way toward solving the problems raised by the U.S. Supreme Court's decision in 1980 in the Henry Kissinger case. But we leave that unresolved.

Given executive agency head resistance to provisions such as those contained in section 204 of the House bill, I am not at all optimistic that we will achieve a satisfactory resolution of this problem in the foreseeable future. In fact, I can see it jeopardizing enactment of amendments to the Freedom of Information Act that are very much needed as representatives of media organizations can be expected to press for a resolution of this matter which would give private citizens a right of action under the Freedom of Information Act. I believe that clarifying the Archivist's authority in that area would be the proper solution and I regret that section 204 of the House bill was not contained in the conference agreement, and that the conferees buckled to the Senate and made the recommendation to recede from the House position and concur in the Senate version.

I think we will have to revisit this subject undoubtedly in the days ahead and try to resolve it, but we will be doing it with one foot in a hole.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. LEVITAS].

(Mr. LEVITAS asked and was given permission to revise and extend his remarks.)

Mr. LEVITAS. I thank the gentleman for yielding me this time.

Mr. Speaker, first I would like to pay tribute to the efforts of the chairman of our committee, the gentleman from Texas, and the ranking member, the gentleman from New York, for what I consider to be very important legislation.

History is the truth that one generation passes on to the next. Too often, history becomes simply a manipulative tool of the historian. In order for the truth to be kept pristine, there must be untainted original sources of information readily available to those scholars and those in subsequent generations who would seek the truth.

It is for that reason very important that we establish the Archives of this Nation as an independent agency within the executive branch, and not diminished nor trivialized and not politicized within one of the existing executive branches of government. We have had too much history in which we have seen the intervention of others who would distort or conceal or be selective in what they would make available. I think that the librarians of this Nation, the scholars and the academicians and our children, will be well served by the adoption of this important legislation in order to preserve the truth as history is written. Truly, the protectors of history are as heroic as the makers of history.

Mr. HORTON. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 905.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

UNIFORM SINGLE AUDIT ACT OF 1983

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1510) to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments, and for other purposes with Senate amendments thereto and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SHORT TITLE; PURPOSE

SECTION 1. (a) This Act may be cited as the "Single Audit Act of 1984".

(b) It is the purpose of this Act—

(1) to improve the financial management of State and local governments with respect to Federal financial assistance programs;

(2) to establish uniform requirements for audits of Federal financial assistance provided to State and local governments;

(3) to promote the efficient and effective use of audit resources; and

(4) to ensure that Federal departments and agencies, to the maximum extent practicable, rely upon and use audit work done pursuant to chapter 75 of title 31, United States Code (as added by this Act).

AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 2. (a) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

"Sec.

"7501. Definitions.

"7502. Audit requirements; exemptions.

"7503. Relation to other audit requirements.

"7504. Cognizant agency responsibilities.

"7505. Regulations.

"7506. Monitoring responsibilities of the Comptroller General.

"7507. Effective date; report.

"§ 7501. Definitions

"As used in this chapter, the term—

"(1) 'cognizant agency' means a Federal agency which is assigned by the Director with the responsibility for implementing the requirements of this chapter with respect to a particular State or local government.

"(2) 'Comptroller General' means the Comptroller General of the United States.

"(3) 'Director' means the Director of the Office of Management and Budget.

"(4) 'Federal financial assistance' means assistance provided by a Federal agency in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, or direct appropriations, but does not include direct Federal cash assistance to individuals.

"(5) 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(6) 'generally accepted accounting principles' has the meaning specified in the generally accepted government auditing standards.

"(7) 'generally accepted government auditing standards' means the standards for audit of governmental organizations, programs, activities, and functions, issued by the Comptroller General.

"(8) 'independent auditor' means—

"(A) an external State or local government auditor who meets the independence standards included in generally accepted government auditing standards, or

"(B) a public accountant who meets such independence standards.

"(9) 'internal controls' means the plan of organization and methods and procedures adopted by management to ensure—

"(A) resource use is consistent with laws, regulations, and policies;

"(B) resources are safeguarded against waste, loss, and misuse; and